

Received & Inspected

OCT 20 2011

FCC Mail Room

CC DOCKET NO. 02-6 AND 96-45

OCTOBER 21, 2011

REQUEST FOR REVIEW BY THE FCC

THIS LETTER IS AN APPEAL

Person to contact to discuss this appeal:

Jack Rienstra
PO Box 432
Hudson, Ohio 44236
330-701-7696 Phone
330-541-2392 Fax
jrien1016@aol.com Email

Applicant Information:

Cuyahoga Falls City School District
Cuyahoga Falls City School District - Neonet

BEN - 129531

SPIN - 143022719

APP# - 788856

FRN - 2134362

Funding Commitment Decision Letter for FY 2011

Appeal Narrative:

The Form 471 was filed for FRN 2134362 with a funding request of \$35,187.00. The PIA reviewer requested additional information to support the original funding request of \$35,187.00 for this FRN. Due to some confusion concerning what needed to be sent and incomplete contract file records on the part of the district, the other two schedule 1-a contract amounts, which were needed to support the original funding request amount, were never sent to the PIA reviewer (there were three schedule 1-a amounts and only one was sent).

A written request from PIA to reduce the funding amount on FRN 2134362 **was never sent to the district or received by the district** for their review and approval. (There was another FRN under review by PIA, FRN 2134373, where the funding amount was reduced. A written request from the PIA reviewer was received by the district contact person to authorize the reduction in this funding amount, which was completed by the

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district contact and returned to PIA). PIA should have sent a written request to the district contact person to authorize a reduction in funding on FRN 2134362, or to give the district contact person a chance to investigate the huge difference in the funding approval amounts.

The vendor, NEONET, did supply the district with the other two schedule 1-a contract amounts after the Funding Commitment Decision Letter was issued and they noticed the discrepancy. Even though the district planned to appeal the Funding commitment decision on FRN 2134362, a Form 486 was filed in case the appeal process took longer than the allowed time frame to file a Form 486.

Based on the three Schedule 1-a's, which should have been sent, the reduction should have been to \$ 35,060.97. Attached are all three of the schedule "1-a" sections of the contract, which support the funding amount originally requested. The PIA reviewer never sent a written request to the district contact person for them to approve the reduction or to have a final chance to investigate the discrepancy. We believe that any other communication, whether it was verbal or on an unsigned fax cover sheet would not have been sufficient per USAC procedures to authorize this reduction. As a result of this, we ask for a favorable decision on this appeal so the complete funding amount will be approved. Thank you.

Sincerely,



Pat McKinney
Technology Coordinator
Cuyahoga Falls City School District

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BEN - 129531

SPIN - 143022719

APP# - 788856

FRN - 2134362

Funding Commitment Decision Letter for FY 2011

Appeal Narrative:

The PIA reviewer requested additional information to support the original funding request of \$35,187.00 for this FRN. Due to confusion on the part of the district and the consultant who replied to this PIA request, the other two contract amounts were never sent to the PIA reviewer and the confirming email from the PIA reviewer advising of a reduction in the funding amount was never reviewed prior to authorizing this reduction. Based on the three contracts which should have been sent, the reduction should have been to \$ 35,060.97. The PIA reviewer did not do anything wrong, the district and the consultant did not provide that person with all three of the contracts, only with one. Attached are all three of the schedule "A" sections of the contracts, which support the funding amount originally requested. We ask for a favorable decision in this appeal so the complete funding amount will be approved. Thank you.

Sincerely,


Pat McKinney

Technology Coordinator
Cuyahoga Falls City School District

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2011-2012

September 26, 2011

Pat McKinney
Cuyahoga Falls School District
431 Stow Ave.
Cuyahoga Falls, OH 44221

Re: Applicant Name: CUYAHOGA FALLS SCHOOL DISTRICT
Billed Entity Number: 129531
Form 471 Application Number: 788856
Funding Request Number(s): 2134362
Your Correspondence Dated: September 20, 2011

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2011 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2134362
Decision on Appeal: **Denied**
Explanation:

- After a complete review of your appeal, USAC has determined that during the initial review process, PIA correctly reduced this request for Email Hosting service from the original pre-discount request of \$2,932.25 per month (\$35,187.00 per year) to \$370.42 per month (\$4,445 per year) per vendor documentation supplied by Cuyahoga Falls School District and upon your agreement to reduce the FRN accordingly, and the FCDL was subsequently issued on July 19, 2011. On appeal, you have provided additional documentation and state that the adjusted FRN should have been to \$35,060.97. In your appeal, you did not show that USAC's initial determination during the review process was incorrect.

Since Cuyahoga Falls School District has not provided sufficient evidence on appeal demonstrating that USAC erred in its decision, therefore the appeal is denied.

- The FCC's Bishop Perry Order directed USAC "to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications" without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, *Order*, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (*Bishop Perry Order*). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. USAC has published a list of ministerial and clerical errors that can be corrected on pending applications without violating the program rules and has advised applicants to review this list before submitting corrections. See SLD Section of USAC web site, Reference Area, "Bishop Perry Order, List of Ministerial and Clerical Errors" at www.usac.org/sl.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Schedule 1-a

Summary of Costs

This exhibit is hereby made part of the Exchange Hosting Services (the "Agreement") entered between Provider and Customer, as these terms are defined in the Agreement. The following additional terms and conditions apply to the Agreement.

Exchange Hosting Service

One Year (July 1, 2011 to June 30, 2012)

Accounts = 642

Total Annual Cost: \$4,494

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Schedule 1-a

Summary of Costs

This exhibit is hereby made a part of the Agreement by and between Northeast Ohio Network for Educational Technology and Cuyahoga Falls City Schools. Charges will be incurred for only those services for which a rate is shown and/or a charge is itemized. Services will be rendered for the period of the Agreement, unless otherwise stated below.

IP Telephony Service

Year One (July 1, 2008 to June 30, 2009)

590 Phones

Total Annual Cost: \$10,384.90

Year Two (July 1, 2009 to June 30, 2010)

590 Phones

Total Annual Cost: \$10,384.90

Year Three (July 1, 2010 to June 30, 2011)

590 Phones

Total Annual Cost: \$10,384.90

Year Four (July 1, 2011 to June 30, 2012)

590 Phones

Total Annual Cost: \$10,384.90

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Schedule 1-a

Summary of Costs

This exhibit is hereby made a part of the Agreement by and between Northeast Ohio Network for Educational Technology and Cuyahoga Falls City Schools. Charges will be incurred for only those services for which a rate is shown and/or a charge is itemized. Services will be rendered for the period of the Agreement, unless otherwise stated below.

Voicemail Service

Year One (July 1, 2008 to June 30, 2009)

550 Units

Total Annual Cost: \$20,231.07

Year Two (July 1, 2009 to June 30, 2010)

550 Units

Total Annual Cost: \$20,231.07

Year Three (July 1, 2010 to June 30, 2011)

550 Units

Total Annual Cost: \$20,231.07

Year Four (July 1, 2011 to June 30, 2012)

550 Units

Total Annual Cost: \$20,231.07